

BOARD OF CODE STANDARDS AND APPEALS

MINUTES

April 4, 2005

Members: Francisco Banuelos, Andy Bias, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, Scot Wolfington, John Youle

Present: Banuelos, Bias, Hartwell, Hentzen, Willenberg, Wolfington, Youle

Absent: Harder, Murabito

Staff Members Present: Deb Legge, Maria Bias, Elaine Hammons, Paul Hays, Kurt Schroeder

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Wolfington on Monday, April 4, 2005, at 1:34 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the Minutes from the March, 2005, meeting.

A motion was made by Board Member Hartwell, seconded by Board Member Hentzen, to approve the minutes of the March meeting as submitted. Motion carried.

2. Approval of the April, 2005, license examination applications.

<u>Name</u>	<u>Class</u>	<u>Test Date</u>
David Martine	Swimming Pool	April, 2005

Board Member Bias made a motion to approve the application for testing. Board Member Willenberg seconded the motion. Motion approved.

3. Condemnation Hearings

Review Cases

1. 635 West Hendryx

Elizabeth Tejeda and her brother, Richard Chavez, appeared to represent their mother, who owns this property.

This property was first brought before the Board at the July, 2004, hearing; it was brought before the Board again at the September, 2004, meeting; the November,

2004, meeting; the January, 2005, meeting; and most recently, the March, 2005, hearing.

At the Board meeting of March 7, 2005, a motion was made and approved to allow until the April 4, 2005, hearing for the repairs to be completed and the property secured or to reappear before the Board and provide a schedule for the completion of the repairs.

The taxes are current on this property. There are still some stored materials on the premises. During a visual inspection of the site there appeared to be no noticeable change.

Chairman Wolfington inquired of Ms. Tejeda and Mr. Chavez what their plans were for the property. Mr. Chavez explained that they were in the process of working on the back of the structure and felt certain that they would have a new roof installed, hopefully within the upcoming two weekends. He said the family was discussing arrangements to paint the structure.

Chairman Wolfington asked if Mr. Chavez was aware of the requirements to bring the exterior of the property into code compliance. Mr. Chavez said that he was aware that the soffit and the siding needed repairs. In response to Chairman Wolfington's question about Mr. Chavez's anticipated time frame for making the repairs, Mr. Chavez said that the work could only be done on the weekends, but that four or five weekends should be enough time to complete the repairs. Ms. Tejeda said that all the trash and appliances have been removed from the premises.

Board Member Hartwell asked if Ms. Tejeda and Mr. Chavez if they thought that four or five weeks would provide the time needed to bring the exterior of the property into minimum code compliance. Mr. Chavez responded that he was sure that the repairs on the structure would be finished in that time period.

Board Member Hartwell made the motion to allow until the May meeting to make the necessary repairs, keeping the property clean and secured, or reappear before the Board. Board Member Banuelos seconded the motion. Motion passed.

2. and 3. 772 and 772 ½ N. St. Paul

Lillian Coleman and Brigitta Christner (incorrectly listed as Regina Christner in the March 7, 2005, Minutes) appeared as representatives for this property.

These properties were initially brought before the Board at the March, 2005, meeting. At that hearing, a motion was made and approved to allow until the April, 2005, meeting for the property to be secured and the delinquent taxes paid; and if those items were in compliance, it would not be necessary to reappear before the Board at the April, 2005, meeting.

The 2002, 2003, 2004 taxes are still delinquent in the amount of \$3,128.38. There is still some tree waste on the premises and no apparent change to the property at 772 N. St. Paul. At 772 ½ N. St. Paul, an upstairs window has been boarded from the inside.

Asked by Chairman Wolfington what the plans were for the properties, Ms. Christner told the Board that during the previous weekend the yard had been cleaned and the windows recovered. The window that had been falling off had been repaired and the stove had been removed from the site.

Ms. Coleman said that their brother, who lives in Denver, Colorado, is trying to secure a loan. They plan to demolish the building and construct a new building.

Chairman Wolfington asked if they felt the premises were presently in compliance with code. Ms. Christner replied that she thought that they had complied with the requirements to clean and secure the properties.

Ms. Coleman also provided a receipt for the payment of the 2002 taxes, dated September 4, 2002, for the amount of \$357.69.

Ms. Christner informed the Board that the loan that their brother is attempting to secure has not been finalized. She asked if there was some way to make payments toward the remainder of the delinquent taxes until the funds have been obtained.

Board Member Hartwell inquired whether the buildings were accessible to anyone. Ms. Christner explained that the buildings were secured and that the family had no intention of renting the properties because of the condition of the structures.

Ms. Coleman said that at one time the buildings had been secured and approved by a field inspector from the Office of Central Inspection to remain vacant and secured. She believes that vandals had torn off the boards used to secure the structures and had broken windows and kicked in doors since the time that approval was given. The heirs of the property would like to raze the buildings and have new structures erected. Ms. Christner said the delay has been the processing of the loan to fund the demolition and the payment of the delinquent taxes and reiterated the desire of the heirs to make payments on the delinquent taxes

Mr. Schroeder explained that Sedgwick County collects the taxes and any payment arrangements available would have to be made through the County.

Ms. Christner said that a tenant currently occupies one of the structures next door. They hope to get the other structures repaired so that they can be rented out and the income used to help relieve the debt of the delinquent taxes.

Ms. Coleman said her husband is in the construction business and that the two-story building is structurally sound and only needed interior renovation. The other structure appears to have foundation problems, but it is taking time for the heirs to come to a decision on what action to take on that building, possibly to agree to tear it down and build a new building in its place.

Chairman Wolfington reminded Ms. Coleman and Ms. Christner that the Board had a major concern about the delinquent taxes. Ms. Christner assured the Board that she and Ms. Coleman were aware of that concern and that she planned to address the issue with Sedgwick County after their appearance before the Board.

A motion was made by Board Member Hartwell to allow thirty days to get the delinquent taxes paid, bring the properties into code compliance and have the premises inspected by the Office of Central Inspection. The motion was seconded by Board Member Banuelos. Motion carried.

Board Member Banuelos cautioned Ms. Coleman and Ms. Christner that Sedgwick County could possibly put the properties up for auction in the near future if the taxes were not brought current.

4. Review of two (2) additional proposed amendments to Title 18 Building Code (2000 IBC).

Before asking Mr. Paul Hays, Senior Plans Examiner with the Office of Central Inspection, to make a presentation of the two additional proposed amendments to Title 18 Building Code (2000 IBC), Mr. Schroeder addressed the Board with a brief explanation.

Mr. Schroeder reminded the Board that a packet of proposed amendments had been distributed to and discussed by the Board in the December, 2004, meeting and also at the Board meeting in January of 2005. In January, the Board authorized the Office of Central Inspection to proceed with those proposed amendments. The proposed amendments were taken to the Law Department for the City of Wichita for review, with the intent of submitting the proposed amendments to the City Council in March or April of 2005.

Mr. Schroeder said that a legal action involving ADA issues on City-owned buildings and building code review processes had been initiated in the past; and although the lawsuit has now been resolved, during February and March of 2005, staff members from Central Inspection and the Law Department met with some of the groups involved in originating the lawsuit. During those meetings, the concerned groups expressed an interest in an additional proposal, which would implement a universal parking design.

Central Inspection has continued to make presentations on the proposed upgrades since the last appearance before the Board. Mr. Hays made a

presentation as recently as March, at which time there were questions raised regarding curtain boards.

Pending the Board's approval, Mr. Schroeder told the Board Members that Central Inspection would try to submit the proposed amendments to the City Council on April 19, 2005.

Providing handouts to the Board Members, Mr. Hays brought their attention to the information pertaining to the curtain boards. The items were taken from the 2000 International Fire Code, however, Chapter Nine is found in the IBC and merely carried over into the IFC. Under the proposed amendment the text of the code is not changed, but a reference is made in the IBC to the high-piled stock requirements found in the IFC. This addresses a concern that was raised regarding the table in Chapter Nine where, depending upon the storage occupancies options taken, curtain board spacing was more stringent than what was required in the UBC. If an architect designs a structure to meet the high-piled stock requirements, then typically the curtain board requirement is eliminated by using the second table for high-piled stock. The intent is to alert the architect that the option is available to design to the higher standard for high-piled stock, which would give more latitude on the curtain board requirement. Although it would still have to meet the sprinkler requirement, fire protection and building access issues, for the most part, a warehouse that is 100,000 or 200,000 square feet is going to be a sprinklered structure unless it is built to a fairly high construction type; this amendment solves the issue by referencing this section of the IFC without having to make changes to the IBC and the IFC by trying to modify the table in Chapter Nine.

More than likely, based on the table on 23, the biggest impact might be some additional doors into the facility around the perimeter for the Fire Department access because typically the sprinkler system would already be in place. Board Member Hentzen asked when it would be required. In response, Mr. Hays explained that it would depend upon the circumstances of the building. If the building were not sprinklered, one would go to the table in Chapter Nine and it would be fairly restrictive for a warehouse type of use; but if the building were sprinklered, it would be advantageous to use the high-piled stock requirements. Typically the high-piled stock requirements would be enforced anytime that commodity storage is twelve feet or higher inside the building. If a building were designed without the sprinkler, it would still be a fairly restrictive stance; even with the options in Table in 23 that don't require sprinklers the square footage is fairly limited. It gives an architect a little more flexibility if they are aware of the provision on the high-piled stock that could eliminate the curtain boards.

Board Member Hentzen said he was not entirely clear on when the provision would allow curtain boards to not be used. Mr. Hays said it depends on the circumstances of the building. Much of it is determined by whether the building is sprinklered or not; if you have the sprinkler it would be to your advantage to use the high-piled stock requirements which would be viewed as a more stringent requirement to begin with.

The warehouse use is still more restrictive under the IBC than it was under the UBC because the UBC would allow 50,000 square feet and wouldn't necessarily say that it had to be a sprinklered structure. To get 50,000 square feet you would probably have to be in a concrete building or something of that nature of a fairly high construction type.

The second handout was from taken from the appendix of the ADAAG manual. It shows the current City requirement for a van space and the standard accessible. Space. The universal design incorporates the wider van space with a five feet access aisle. This allows a person with disabilities to park in any of the spaces whether or not they are in a van. It will take more area to accomplish that same footprint because the stalls are eleven foot wide stalls instead of eight foot wide stalls.

Chairman Wolfington asked whether this particular change was a required modification or if there was some other reason for the proposed amendment. Mr. Hays alluded to the litigation that the City of Wichita had been involved in as previously mentioned by Mr. Schroeder.

Mr. Schroeder clarified that the proposed amendment was not a requirement, but that it was merely to address the issues presented by the groups that had expressed difficulties with the current van parking for those with disabilities. In some instances, a parking lot might be re-striped, eliminating the spaces that had originally been for vans.

Board Member Hartwell asked if this proposed amendment would be for new construction of parking lots. Mr. Schroeder said that it would be for new parking lots or reconstructed parking lots.

Mr. Hays told the Board that any vehicle with the proper hangtag or license tag could park in the spaces designated for van accessibility. Since there is a limited quantity of van accessible spaces, there may not be a stall available to a van that requires the space to off-load with a ramp. The universal standards would allow a van to have adequate room for parking and unloading with a ramp in any handicap accessible parking space.

Board Member Hentzen brought up the question of additional spaces added to parking lots and whether the whole lot would have to be re-striped. Mr. Schroeder explained that on parking lots where spaces were added, this requirement would apply only to the increased parking area. The "twenty percent" rule for the path of travel may, in some cases, be achieved by re-striping the entire parking lot.

Board Member Hentzen inquired about a situation where two tenant spaces in a shopping center were merged into one space. Mr. Hays said that there would be no changes required to the striping if the parking lot had not been altered. Board Member Youle asked if Mr. Hays was aware of any other jurisdictions that had gone to the universal design. Mr. Hays said that he could not give specific

jurisdictions, but understood that many cities had opted to use the universal design to simplify the accessibility requirements.

Responding to Board Member Youle's inquiry of whether the universal design would also make reviewing plans easier for the plan review staff, Mr. Schroeder agreed that it would make the process easier because the standard design would eliminate the need for van signage, requiring only basic handicap parking signs.

If the Zoning Code should at some time be opened for the adoption of amendments, Mr. Schroeder informed the Board that he had also talked with the Planning Department about possibly amending the Zoning Code to automatically exempt or reduce the zoning parking requirement if the owner or architect is attempting to come into compliance with the ADA requirements. Board Member Bias commented that space can be somewhat limited, and the mandate for parking to meet the ADA requirements can conflict with the number of parking spaces that will fit into the design. Particularly, Mr. Schroeder noted, if there is a major renovation of an existing building site then there is the possible issue of adding parking in addition to meeting ADA requirements.

Board Member Youle questioned a situation with a shell building with several tenant spaces and whether the process would have to be reconsidered in terms of ADA compliance. Mr. Schroeder said that a number of buildings are originally designed with a certain number of tenant spaces, and then the spaces are leased out differently than what is on the original plan; this changes the proximity of the main entries from the intended accessible parking. An example given was a tenant space that was initially intended for retail use becomes a restaurant; the parking layout may have to be redesigned to meet the ADA compliance because the original plan was intended to comply with the requirements for retail space.

Chairman Wolfington asked if the handout pertaining to the universal design for parking stalls was from the ADA, and whether it was an ADA requirement or a request. Mr. Hays confirmed that it was from the Appendix of the ADA and the Appendix is really an explanation of the different sections of the book and the universal design is merely an option offered to standardize the parking spaces.

Board Member Youle questioned what the next step would be in the process for the proposed amendments. Mr. Schroeder said that he would take the packet of proposed amendments to the City Law Department for the necessary signature and then submit the packet for the City Council agenda for April 19, 2005. He anticipated the first reading to be at that City Council meeting.

The motion was made by Board Member Youle to accept the proposed amendments. The motion was seconded by Board Member Bias. Motion carried.

Board Member Hentzen commended Mr. Hays on his explanation of the proposed amendments to the Board.

The meeting was adjourned at 2:14 p.m.